

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

-----  
ANWAR ALKHATIB,  
Plaintiff,

-against-

NEW YORK MOTOR GROUP LLC, et al.,  
Defendants.  
-----

**Case No. 13-CV-2337 (ARR) (SMG)**

SIMON GABRYS,  
Plaintiff,

-against-

NEW YORK MOTOR GROUP LLC, et al.,  
Defendants.  
-----

**Case No. 13-CV-7290 (ARR) (SMG)**

BORIS FREIRE, et al,  
Plaintiffs,

-against-

NEW YORK MOTOR GROUP LLC, et al.,  
Defendants.  
-----

**Case No. 13-CV-7291 (ARR) (SMG)**

ZHENG HUI DONG,  
Plaintiff,

-against-

NEW YORK MOTOR GROUP LLC, et al.,  
Defendants.  
-----

**Case No. 14-CV-2980 (ARR) (SMG)**

NASRIN CHOWDHURY,  
Plaintiff,

-against-

NEW YORK MOTOR GROUP LLC, et al.,  
Defendants.  
-----

**Case No. 14-CV-2981 (ARR) (SMG)**

TAREQUE AHMED  
Plaintiff,

-against-

NEW YORK MOTOR GROUP LLC, et al.,  
Defendants.  
-----

**Case No. 15-CV-0284 (ARR) (SMG)**

YSABEL BANON,  
Plaintiff,

-against-

MANUFACTURERS AND TRADERS  
TRUST COMPANY, et al.,  
-----

**Case No. 15-CV-4691 (ARR) (SMG)**

Defendants.

-----  
CHEA SUNG PARK,  
Plaintiff,

-against-

**Case No. 15-CV-5374 (ARR) (SMG)**

SANTANDER CONSUMER USA,  
INC., et al.,  
Defendants.

-----  
SHAHADAT TUHIN  
Plaintiff,

-against-

**Case No. 13-CV-5643 (ARR) (SMG)**

NEW YORK MOTOR GROUP et al  
Defendants.

-----  
Patricia C. Kakalec, an attorney duly licensed to practice law in the State of New York, does hereby  
declare pursuant to 28 U.S.C. § 1746 that the following facts are truthful:

1. I am a member of Kakalec & Schlanger, LLP, counsel for Plaintiffs in all of the above-referenced actions other than *Tuhin*, and, as such, am familiar with the facts and documents relevant to this dispute.
2. I make this Declaration in Support of Plaintiffs' Joint Motion to Compel Pursuant to Federal Rule of Civil Procedure 37.
3. Specifically, I submit this Declaration to place before the Court true and correct copies of the following exhibits referenced in the Plaintiffs' memorandum of law in support of their motion:
  - a. Exhibit 1: Related Plaintiffs' Omnibus Request for Production of Documents to Defendants
  - b. Exhibit 2: M&T's August 1, 2014 Objections to Plaintiffs' Request
  - c. Exhibit 3: October 9, 2014 affidavit of M&T Administrative Vice President David Spriegel
  - d. Exhibit 4: November 12, 2014 letter from Peter Lane to Lance Grossman
  - e. Exhibit 5: January 16, 2015 affidavit of M&T Administrative Vice President David Spriegel
  - f. Exhibit 6: January 30, 2015 affidavit of M&T Administrative Vice President David Spriegel
  - g. Exhibit 7: December 30, 2015 letter to defense counsel from Ariana Lindermayer
  - h. Exhibit 8: December 31, 2015 email from Lance Grossman to Ariana Lindermayer
  - i. Exhibit 9: January 7, 2016 letter from Lance Grossman to all counsel

- j. Exhibit 10: January 11, 2015 letter from Lance Grossman to Peter Lane
  - k. Exhibit 11: January 4, 2016 email from Richard Simon to Ariana Lindermayer et al.
  - l. Exhibit 12: May 23, 2015 letter from Lance Grossman to counsel
  - m. Exhibit 13: February 11, 2016 email from Ariana Lindermayer to Lance Grossman
  - n. Exhibit 14: February 12, 2016 letter from Lance Grossman to Ariana Lindermayer
- 4. My colleague Daniel Schlanger and counsel for plaintiff in *Tuhin* (Ms. Lindermayer, Ms. Coffey, and Mr. Keshavarz) attempted to confer with counsel for M&T Bank, Mr. Grossman, in an effort to resolve these matters without court intervention. Correspondence on this issue is attached.
  - 5. The legal arguments relevant to this motion, setting forth the reasons that Plaintiffs' joint motion should be granted, have been set out in Plaintiffs' Memorandum of Law in support of its motion.
  - 6. I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, NY  
February 24, 2016

s/Patricia Kakalec  
Patricia Kakalec (PK-8452)  
Kakalec & Schlanger, LLP  
85 Broad Street, 18<sup>th</sup> Floor  
New York, NY 10004  
Telephone: (212) 500-6114, Ext. 103  
Facsimile: (646) 612-7996  
[pkakalec@kakalec-schlanger.com](mailto:pkakalec@kakalec-schlanger.com)